

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

STANLEY HERBERT

Plaintiff

vs.

**MILFORD TOWING & SERVICE,
INC., et al.**

Defendants

: CASE NO. C-1-00-855
:
: MAGISTRATE JUDGE HOGAN
:
: **DEFENDANTS' MOTION IN LIMINE**
: **TO EXCLUDE ALL EVIDENCE OF**
: **UNWANTED TOUCHING,**
: **GRABBING, ETC. BETWEEN**
: **PLAINTIFF AND DEFENDANT'S**
: **EMPLOYEES**

Now come Defendants, by and through counsel, and hereby request this Court to exclude any and all evidence which would identify and describe any acts of unwanted touching, groping and/or goosing between Plaintiff and Defendant's employees. A memorandum in support of said motion follows herein.

RESPECTFULLY SUBMITTED,

/S/ Mark J. Byrne

MARK J. BYRNE - #0029243

JACOBS, KLEINMAN, SEIBEL & MCNALLY

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MEMORANDUM

In the proposed pretrial statement, Plaintiff has identified numerous documents that he intends to introduce as exhibits. These documents, although not exchanged, include numerous references to alleged grabbing, groping and/or goosing between Plaintiff and Defendant's

employees. The Court's order granting and denying in part Defendants' motion for summary judgment dismissed the sexual harassment claims filed by the Plaintiff. The Court also dismissed the negligent and intentional infliction of emotional distress. As such, the Court has held that any such evidence is irrelevant to the issues to be tried in the case herein. Therefore, Defendants respectfully request that any evidence relating to grabbing, unwanted touching, goosing, etc. be excluded from presentation to the jury. This request encompasses any references during voir dire, opening statement, during trial or closing statement relating to such matters.

RESPECTFULLY SUBMITTED,

/S/ Mark J. Byrne

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CERTIFICATE OF SERVICE

I hereby certify that on October 8, 2003, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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I also hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

James A. Hunt, Hunt
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Attorney for Defendant Quentin Klute
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Batavia, Ohio 45103

/S/ Mark J. Byrne

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